IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SECOND DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 23926 of 2004

Between:

Donga Krishna Rao, S/o. Appa Rao, aged 52 years,
R/o. Vidyanagar, Eluru, W.G.District.

..... PETITIONER

AND

1 The District Collector, W.G.District, Eluru.
2 The Jt. Collector, W.G.District, Eluru.
3 The Mandal Revenue Officer, Eluru, W.G.District.
4 Medapati Madhu Kumar, S/o. Narasimha Murthy, aged 39 years,
Vidyanagar, Elauru, W.G.District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ of Mandamus or any other appropriate writ, order or direction declaring the action of the Respondents 2 and 3 in interfering with the Petitioner's right to enjoyment of shop No. 5 of S.C. Shopping Complex, Court Centre, Eluru, W.G.District and in directing the petitioner to vacate the same at the instance of the 4th respondent with out any power or authority as illegal, arbitrary and unconstitutional and consequently direct the respondents not to evict the petitioner from the said shop without due process of law and pass such other order or orders.

Counsel for the Petitioner:MR.Y.V.SRINIVASAN

Counsel for the Respondents 1to 3: GP FOR REVENUE

The Court at the stage of admission made the following :

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ORAL ORDER:

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This writ petition is filed seeking a declaration that the alleged action of the respondents in interfering with the petitioner's right of enjoyment in respect of Shop No.5 of S.C. Shopping Complex, Court Centre, Eluru, West Godavari District, is arbitrary and illegal.

Heard the learned counsel for the petitioner and the learned Government Pleader appearing for respondents 1 to 3.

Admittedly the shop in question was allotted to the 4th respondent by the West Godavari District Scheduled Caste Service Cooperative Society Limited under the self-employment scheme. The petitioner claims that he has been put in possession of the said shop under a lease deed executed by the 4th respondent by way of sub-lease. Nothing has been placed before this Court to show whether such sub-lease is permissible. There is absolutely no material to show that the petitioner has acquired any legal right in respect of the shop in question much less to show that the respondents have acted in breach of any statutory obligation. The matter appears to be purely a dispute between two private parties. Therefore, the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India cannot be invoked.

The writ petition is accordingly dismissed. However, it is open to the petitioner to workout the appropriate remedy as available under common law for redressal of his grievance. No costs.

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G. ROHINI, J

Dated: 22-12-2004

To

1. The District Collector, West Godavari, Eluru.
2. The Joint Collector, West Godavari, Eluru.
3. The Mandal Revendue Officer, Eluru, West Godavari District.
4. Two C.Cs. to the Government Pleader for Revenue,
High Court Buildings, Hyderabad. (O.U.T.)
5. Two C.D. copies.

THE HON'BLE MS. JUSTICE G. ROHINI

W.P.No. 23926 of 2004

22nd December, 2004